

Amendments to the Drawings

The attached sheets of drawing includes changes to Figures 1-6. These sheets which include Figures 1-6, replace the original sheets including Figures 1-6.

Attachment: Replacement Sheets

REMARKS

Receipt of the Office Action mailed February 25, 2009 is acknowledged. Claims 1, 3-5, 7-11, 14-19, 35-43 and 46-48 are pending. Claims 15-19, 35-43 and 47 are withdrawn from consideration. Claims 1 and 14 have been amended to further define and clarify the claimed subject matter. No new matter has been added. Claims 1, 3-5, 7-11, 14, 46 and 48 are rejected. The drawings filed on July 16, 2003 are objected to by the Examiner.

Upon allowance of claims 1, 3-5, 7-11 and 14, rejoinder of combination claims listed in Groups II, IV, V and VI is requested as required in the last paragraph of MPEP 806.05(c) ("If a claim to B_{sp} is determined to be allowable, any claims requiring B_{sp}, including any combination claims of the format AB_{sp}, must be considered for rejoinder"). Also, upon the allowance of claims 1, 3-5, 7-11 and 14, rejoinder of the process claims is respectfully requested pursuant to MPEP 821.04(b). Applicants reserve the right to file additional divisional application directed to the non-elected claims.

Drawing Objections

In response to the drawing objections set forth in the Office Action, applicants have provided new Figure 1A (formerly Figure 1) and Figure 1B which is identical to Figure 1A except for the reverse threads. Accordingly, reconsideration and withdrawal of the drawing objections are respectfully requested.

Claim Rejections – 35 USC § 102

Claims 1, 3, 7-11, 14 and 46 are rejected under 35 U.S.C. § 102(b) as being anticipated by Libit (US Patent No. 3,556,332). Reconsideration and withdrawal of the rejections are respectfully requested.

As amended, the claims recite a "one-piece" closure for a container. As

explained in more detail below, Libit fails to render the amended claims as anticipated or obvious and even teaches away from a one piece construction.

In all of the embodiments shown in Libit, the closure has two distinct pieces. Specifically, Libit teaches [t]he present invention operates on what may be termed the 'push-turn' principle but utilizes only two-parts....” See column 1, lines 20-23. Libit further teaches “another object of the invention is to provide a two-part closure characterized as above....” See, column 1, lines 24 and 25. Libit terms these two pieces a “plug part” and an “overcap.” See column 1, lines 67 et seq.

From an entire reading of Libit it is clear that such a two piece construction is not an optional feature but is instead an essential feature of Libit's invention. Namely, the “push-turn” principle is essential in achieving the object of Libit's invention, making a child-proof closure. Libit's makes it clear this is accomplished by a two-piece cap.

Thus, Libit neither anticipates nor renders obvious the invention as now claimed. As such, reconsideration and withdrawal of the invention are respectfully requested.

Claim Rejections - 35 USC § 103

Claims 4-5 and 48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Libit (US Patent No. 3,556,332) in view of Daubert et al., (US Patent Pub. No. 2001/0000793), (hereinafter "Daubert").

The shortcomings of Libit have been noted above. Daubert fails to cure these deficiencies. Accordingly, claims 4-5 and 48 are allowable for the same reasons noted above. As such, reconsideration and withdrawal of the invention are respectfully requested.

In view of the foregoing, applicants submit that the application is in condition for allowance. A notice to that effect is earnestly solicited. If the Examiner has any questions, the Examiner is invited to contact the undersigned at the telephone number below.

The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Account No. 10-0750/CDS5015/TJB.

Respectfully submitted,

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